

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

METROPOLITAN LIFE)
INSURANCE COMPANY,)

Plaintiff,)

V.)

Case No. 10-CV-389-JHP

(1) CLARENCE BACCUS,)

(2) MYRA BACCUS, a/k/a MYRA)
HATHORNE, individually and as)
Mother and Next Friend of K.B.)
and K.B., minor children,)

(3) TALISHA WINSTON,)

(4) LASHAUNNA BACCUS,)

(5) ROSA BACCUS,)

(6) MARIANNE BACCUS, and)

(7) KORDEL BACCUS,)

Defendants.)

RULE 54(B) JUDGMENT FOR METROPOLITAN LIFE INSURANCE COMPANY

This matter has come before the court on Metropolitan Life Insurance Company's Motion for Discharge. An Order (Dkt.# 105) granting Metropolitan Life Insurance Company's Motion for Discharge was entered November 22, 2011. Pursuant to Fed.R.Civ.P. 54(b), a court may enter final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

The court finds there is no just reason for delay entering final judgment for Metropolitan Life Insurance Company because Metropolitan Life Insurance Company has no further liability to defendants.

IT IS THEREFORE ORDERED that Metropolitan Life Insurance Company is terminated as a party in this case and is relieved from any further liability or claim of defendants regarding the proceeds of the life insurance benefits due upon the death of Kevin E. Baccus under the HealthMarkets, Inc. Group Life Insurance Plan, an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. §1001 *et seq.* Metropolitan Life Insurance Company issued to HealthMarkets, Inc. a group policy of insurance to fund benefits payable under the Plan and is the Plan’s claims fiduciary.

IT IS SO ORDERED this 1st day of December, 2011.


James H. Payne
United States District Judge
Eastern District of Oklahoma